

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SLY MAGAZINE, LLC,

Plaintiff,

CASE NO. 07 CV 6265

-against-

NOTICE OF MOTION

CURTIS CIRCULATION COMPANY, HUDSON
NEWS COMPANY, WAL-MART STORES, INC.,
CHAS LEVY CIRCULATING CO., LLC,
ANDERSON NEWS, LLC, MAGAZINE
DISTRIBUTORS, INCORPORATED, INGRAM
PERIODICALS, INC., THE NEWS GROUP,
INC., AND GOPHER NEWS COMPANY,

Defendants.

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PLEASE TAKE NOTICE, that upon the annexed Affirmation of Ralph F. Schoene, affirmed the 20th day of August, 2007, and upon the Affidavit of Bruce H. Jones, sworn to on the 17th day of August, 2007, the accompanying Memorandum of Law and the exhibits annexed hereto, the undersigned attorneys for the defendant, INGRAM PERIODICALS, INC., will move this court before the Hon. Deorah A. Batts at the courthouse located at 500 Pearl Street, New York, New York 10017 on the 13th day of September, 2007, at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order dismissing plaintiff's complaint insofar as it alleges causes of action against defendant INGRAM PERIODICALS, INC. upon the grounds that the complaint fails to state a cause of action.

Dated: White Plains, New York
August 20, 2007

VOUTÉ, LOHRFINK, MAGRO & COLLINS, LLP

By: _____
Ralph F. Schoene (4547)

Attorneys for Defendant
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TO: THE BOSTANY LAW FIRM
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JENNER & BLOCK, LLP
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HUDSON NEWS COMPANY, WAL-MART
STORES, INC., CHAS LEVY CIRCULATING CO.,
LLC, ANDERSON NEWS, LLC, MAGAZINE
DISTRIBUTORS, INCORPORATED, THE NEWS
GROUP, INC., AND GOPHER NEWS COMPANY,
919 Third Avenue, 37th Floor
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